

1
2
3
4
5
6
7 **UNITED STATES DISTRICT COURT**
8 **WESTERN DISTRICT OF WASHINGTON**
9
10 **AT TACOMA**

11 **JAMES BLAIR,**

12 Plaintiff,

14 vs.

15 **ALLIED INTERSTATE, INC.,**

16 Defendant.
17

) Case No.

)

) **COMPLAINT**

)

)

)

) ***JURY TRIAL DEMANDED***

)

)

)

18 **I. NATURE OF ACTION**

19
20 1. This is an action for damages brought by an individual consumer for
21 Defendant's violations of the Fair Debt Collection Practices Act, 15 U.S.C. §
22 1692, *et seq.* (hereinafter "FDCPA") and of the Revised Code of Washington,
23 Chapter 19.16, both of which prohibit debt collectors from engaging in abusive,
24 deceptive, and unfair practices. Plaintiff further alleges a claim for invasion of
25 privacy by intrusion, ancillary to Defendant's collection efforts.
26
27

28 Complaint - 1

Jon N. Robbins
WEISBERG & MEYERS, LLC
3877 N. Deer Lake Rd.
Loon Lake ,WA 99148
509-232-1882
866-565-1327 facsimile
jrobbins@AttorneysForConsumers.com

II. JURISDICTION

2. Jurisdiction of this Court arises under 15 U.S.C. § 1692k(d).

III. PARTIES

3. Plaintiff, James Blair, is a natural person residing in the State of Washington, County of Tacoma, and City of Port Orchard.

4. Plaintiff is a “consumer” as defined by the FDCPA, 15 U.S.C. § 1692a(3), and a “debtor” as defined by RCW § 19.16.100(11).

5. At all relevant times herein, Defendant, Allied Interstate, Inc., (“Defendant”) was a limited liability company engaged, by use of the mails and telephone, in the business of attempting to collect a “debt” from Plaintiff, as defined by 15 U.S.C. §1692a(5).

6. Defendant is a “debt collector” as defined by the FDCPA, 15 U.S.C. § 1692a(6), and a “licensee,” as defined by RCW § 19.16.100(9).

IV. FACTUAL ALLEGATIONS

7. At various and multiple times prior to the filing of the instant complaint, including within the one hundred twenty days preceding the filing of this complaint, Defendant contacted Plaintiff in an attempt to collect an alleged outstanding debt. Defendant’s conduct violated the FDCPA and RCW § 19.16 in multiple ways, including but not limited to:

1 a) Causing Plaintiff's telephone to ring repeatedly or
2 continuously with intent to harass, annoy or abuse (§ 1692d(5));

3 b) Failing to provide notice to Plaintiff of his rights as an
4 alleged debtor pursuant to 15 USC § 1692g, including failing to
5 notify him of his right to dispute the debt, in the initial
6 communication with Plaintiff or in writing within 5 days
7 thereof (§ 1692g(a)(3)(4)(5)).

8 9. Defendant's aforementioned activities, set out in paragraph 8, also
9 constitute an intentional intrusion into Plaintiff's private places and into private
10 matters of Plaintiff's life, conducted in a manner highly offensive to a reasonable
11 person. With respect to the setting that was the target of Defendant's intrusions,
12 Plaintiff had a subjective expectation of privacy that was objectively reasonable
13 under the circumstances.
14

15 10. As a result of Defendant's behavior, detailed above, Plaintiff
16 suffered and continues to suffer injury to Plaintiff's feelings, personal humiliation,
17 embarrassment, mental anguish and emotional distress.
18

19
20 **COUNT I: VIOLATION OF FAIR DEBT**
21 **COLLECTION PRACTICES ACT**
22

23 11. Plaintiff reincorporates by reference all of the preceding paragraphs.

24 **PRAYER FOR RELIEF**

25 WHEREFORE, Plaintiff respectfully prays that judgment be entered
26 against the Defendant for the following:
27

- A. Declaratory judgment that Defendant's conduct violated the FDCPA;
- B. Actual damages;
- C. Statutory damages;
- D. Costs and reasonable attorney's fees; and,
- E. For such other and further relief as may be just and proper.

**COUNT II: VIOLATION OF WASHINGTON COLLECTION AGENCY
ACT, WHICH IS A PER SE VIOLATION OF THE WASHINGTON
CONSUMER PROTECTION ACT**

12. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

WHEREFORE, Plaintiff respectfully prays that judgment be entered against the Defendant for the following:

- B. Actual damages;
- C. Discretionary Treble Damages;
- D. Costs and reasonable attorney's fees,
- F. For such other and further relief as may be just and proper.

COUNT III: COMMON LAW INVASION OF PRIVACY BY INTRUSION

13. Plaintiff reincorporates by reference all of the preceding paragraphs.

PRAYER FOR RELIEF

1 WHEREFORE, Plaintiff respectfully prays that judgment be entered
2 against the Defendant for the following:
3

- 4 A. Actual damages
5 B. Punitive Damages; and,
6 C. For such other and further relief as may be just and proper.
7
8

9 Respectfully submitted this 21st day of May, 2008.
10
11

12 s/Jon N. Robbins
13 Jon N. Robbins
14 WEISBERG & MEYERS, LLC
15 Attorney for Plaintiff
16
17
18
19
20
21
22
23
24
25
26
27